

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

ORLESTER JOHNSON,)
)
Plaintiff,)
)
v.) Cause No.: 3:14-CV-2042-WCL-PRC
)
THE RIDGE COMPANY)
)
Defendant.)

OPINION AND ORDER

This matter is before the Court for an Order on the Defendant's Renewed Motion for Sanctions [DE 56] and for approval of the Statement of Attorneys' Fees [DE 52] filed subsequent to this Court's Opinion and Order dated November 9, 2015 approving the Findings and Report and Recommendation of the Magistrate Judge ("the Approval Order"). [DE 51]. The Renewed Motion seeks dismissal of the action as the sanction against the Plaintiff, Orlester Johnson ("Johnson"), who is proceeding *pro se*, for failure to comply with the mandates of the Approval Order.

In this Court's Approval Order, the Court ordered Johnson to pay costs and attorneys' fees related to the Motion for Sanctions and further advised him as follows:

The Plaintiff ... has 28 days to file responses to the outstanding discovery requests set forth in the R[eport] & R[ecommendation]. No further extensions will be granted and Plaintiff's failure to respond to the discovery requests within the 28 day time frame may result in additional sanctions INCLUDING DISMISSAL of his Complaint pursuant to Fed.R.Civ.P. 37(b).

DE 51. Subsequently, the defendant filed its Statement of Attorneys' Fees seeking \$2,266.50 in attorneys' fees. [DE 52]. The Court then ordered Johnson to respond to the fee statement within 10 days. [DE 54]. Johnson did not respond. Likewise, Johnson did not file discovery responses within the time designated in the Court's Approval Order, but did file some discovery responses three days late. It is unclear whether these are responses are complete or constitute all the

outstanding discovery sought in the case. Similarly, after the deadline for submitting his discovery passed, Johnson sought extensions of deadlines to consult with new counsel which the Magistrate Judge denied citing this Court's Approval Order. Most recently, on January 19, 2016, Johnson submitted a letter indicating that he has exhausted his search for counsel to represent him.

Johnson was expressly warned by the Court that his failure to comply with the Court's Approval Order would result in dismissal of his case. This was after months of missed deadlines and ignoring court deadlines. Unfortunately for Johnson, he continued this pattern by not responding to this Court's order requesting his response to the statement of fees and filing his responses three days past the deadline with no reasonable cause to do so. Given Johnson's newest communication that he has exhausted his search for counsel to aid him in his case, the Court has no reason to believe that his pattern of ignoring Court deadlines, unduly delaying his case, and inconveniencing the Defendant, Defendant's counsel and the Court will not continue. For these reasons, the Renewed Motion for Sanctions is GRANTED and this case is DISMISSED. Defendant's Statement of Fees in the amount of \$2,266.50 is APPROVED. The Clerk is DIRECTED to enter final judgment in favor of the Defendant in the amount of \$2,266.50.

SO ORDERED.

This 24th day of February, 2016

s/ William C. Lee
United States District Court